

MAR 22 2007

Board of Vocational Nursing
and Psychiatric Technicians

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9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. VN-2002-1840

13 **ALBERT LOUISE SPRAGUE**
3150 Oro Bangor Highway
14 Oroville, California 95965

A C C U S A T I O N

15 and

16 F-34194 / HDSP A3201
P.O. Box 3030
17 Susanville, CA 96127-3030

18 Vocational Nurse License No. VN 187085

19 Respondent.
20

21 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this Accusation solely in her official capacity as the
24 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department
25 of Consumer Affairs.

26 2. On or about January 21, 1999, the Board issued Vocational Nurse License
27 Number VN 187085 to Albert Louis Sprague ("Respondent"). The license will expire on
28 January 31, 2007, unless renewed.

JURISDICTION

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 2892.1, states, in pertinent part, that the Board may renew an expired license at any time within four years after the expiration.

5. Code section 118(b) states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS

6. Code section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for the following:

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

7. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code.

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COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

9. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2).

FACTUAL BACKGROUND

10. On or about January 20, 2004, in the case of *People v. Albert Louis Sprague*, (Super. Ct. Butte County, Case No. CM19294), Respondent was convicted by the Court on his plea of guilty of violating Penal Code section 273.5(a) (infliction of corporal injury on a spouse/cohabitant), as well as two counts of violating Penal Code section 273a(b) (cruelty to child by inflicting injury) with admission of enhancement(s)/prior conviction(s). Respondent was placed on four years probation. On or about September 13, 2005, Respondent violated that probation by testing positive for Methamphetamine, as more particularly set forth below in paragraph 12.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

11. Respondent is subject to discipline under Code section 2878(f) in that he was convicted of crimes which are substantially related to the qualifications, functions or duties of a licensed vocational nurse, as more particularly set forth above in paragraph 10.

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1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 187085,
6 issued to Albert Louis Sprague;

7 2. Ordering Albert Louis Sprague to pay the Board of Vocational Nursing
8 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3; and,

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: March 22, 2007

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TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

17 SA2005105209

18 Accusation (kdg)3/1/07